

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BYRON CARL BROWN,)
)
Petitioner,)
)
vs.) Case No. CIV-07-1141-F
)
JOSEPH SCIBANA, et al.,)
)
Respondent.)

ORDER

In this action, petitioner, a federal prisoner, seeks habeas relief under 28 U.S.C. § 2241. Petitioner appears *pro se*, and his pleadings are liberally construed.

Magistrate Doyle W. Argo entered his Report and Recommendation in this matter on April 17, 2008. (Report, doc. no. 25.) In that Report, the magistrate judge recommended that the motion to dismiss of Respondent Oklahoma Attorney General (doc. no. 13) be granted, that the motion to dismiss of Respondent Scibana (doc. no. 16) be denied as moot, and that petitioner's motions for appointment of counsel (doc. nos. 10, 20) also be denied as moot. The Report further advised petitioner of his right to file an objection to the Report by May 7, 2008. No objection has been filed, and no request for any additional extensions has been made.¹ The Report also advised that failure to make timely objection to the Report waives the right to appellate review of the factual and legal issues addressed in the Report.

After review of the Report, the record, and the relevant authorities, and with there being no objection, the court finds and concludes that it concurs with the

¹The court's mailing of the Report and Recommendation to the petitioner was returned as undeliverable. See doc. no. 26.

magistrate judge's determinations and that no purpose would be served by repeating those determinations, or any analysis, here.

Accordingly, the Report and Recommendation of Magistrate Judge Doyle W. Argo is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. For the reasons stated in the Report, the motion to dismiss of Respondent Oklahoma Attorney General (doc. no. 13) is **GRANTED**; the motion to dismiss of Respondent Scibana (doc. no. 16) is **DENIED** as moot; and petitioner's motions for appointment of counsel (doc. nos. 10, 20) are also **DENIED** as moot.

Dated this 12th day of May, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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